

22045

## UTILITY PATENT APPLICATION TRANSMITTAL

<i>Address to:</i> <b>Mail Stop PATENT APPLICATION Commissioner for Patents U.S. Patent &amp; Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450</b>	<i>Attorney Docket No.</i>	UOM 0280 PUSP
	<i>Inventor(s) or Appln. Identifier</i>	Brian D. Noble and Landon P. Cox

22264 US PTO 2207697842  
103003

1. This application entitled Peer-To-Peer Method And System For Performing And Managing Backups In A Network of Nodes is:

- a.  A new application under 37 C.F.R. § 1.53(b).
- b.  A  continuation  divisional or  continuation-in-part application under 37 C.F.R. § 1.53(b) of prior application Serial No. / filed on       , entitled       .
- c.  A new utility application which claims the benefit of provisional application Serial No. 60/424,831, filed on 11/08/2002.

Application elements and other attached papers:

- 2.  Specification (including Claims and Abstract) [Total Pages 26]
- 3.  Drawings ( informal /  formal) [Total Sheets 2]
- 4.  Oath or Declaration
  - a.  Newly-executed
  - b.  Copy from a prior application (37 C.F.R. § 1.63(d))
- 5.  Incorporation By Reference: The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Item 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
- 6.  This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. § 1.53(d)(4).
  - a.  **DELETE** the following inventor(s) named in the prior nonprovisional application:  


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  - b.  The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

## CERTIFICATION UNDER 37 C.F.R. § 1.10

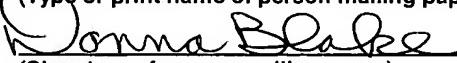
I hereby certify that this UTILITY PATENT APPLICATION TRANSMITTAL and the documents referred to as attached therein are being deposited on the below date with the United States Postal Service in an envelope as "Express Mail Post Office to Addressee" addressed to: Mail Stop Patent Application, Commissioner for Patents, U.S. Patent & Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 on:

Express  
Mail Label No. EV212245519US

Donna Blake

(Type or print name of person mailing paper)

Date of Deposit: October 30, 2003

  
(Signature of person mailing paper)

## 7. Preliminary Amendment:

- a.  A Preliminary Amendment Under 37 C.F.R. § 1.115 is attached.
- b.  Cancel in this application original claims \_\_\_\_\_ of the prior application before calculating the filing fee.
- c.  Please amend the specification by inserting before the first line the following sentence:

"This is a \_\_\_\_\_ continuation \_\_\_\_\_ divisional of copending application(s) serial number / \_\_\_\_\_ filed on \_\_\_\_\_."

- d.  A Petition to Suspend Prosecution For The Time Necessary to File An Amendment (New Application Filed Concurrently) is attached.

## 8. Small entity status:

- a.  Applicant claims small entity status.
- b.  Small entity status was claimed in the prior nonprovisional application and such status is still proper and desired.
- c.  Is no longer desired.

## 9. Fee Calculation:

FOR	NUMBER FILED	NUMBER EXTRA	RATE	CALCULATIONS
TOTAL CLAIMS (37 C.F.R. § 1.16(c))	32 -20 =	12	x 18.00	216.00
INDEPENDENT CLAIMS (37 C.F.R. § 1.16(b))	2 -3 =	0	x 86.00	0.00
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 C.F.R. §1.16(d))			290.00	0.00
BASIC FEE (37 C.F.R. § 1.16(a))				770.00
TOTAL OF ABOVE CALCULATIONS				986.00
REDUCTION BY 50% FOR FILING BY SMALL ENTITY (NOTE 37 C.F.R. §§ 1.9, 1.27, 1.28)				493.00
\$40.00 ASSIGNMENT RECORDAL FEE (if applicable)				0.00
<b>TOTAL</b>				<b>493.00</b>

- 10.  A check in the amount of \$493.00 is enclosed.

- 11.  The Commissioner is hereby authorized to credit overpayments or charge the following fees (or any deficiency therein) to Deposit Account No. 02-3978:

  - a.  Fees required under 37 C.F.R. § 1.16.
  - b.  Fees required under 37 C.F.R. § 1.17.

## 12. Maintenance of Copendency of Prior Application

- A request for extension of time and the appropriate fee have been filed in the pending prior application (or are being filed in the prior application concurrently herewith) to extend the period for response until \_\_\_\_\_

13.  An Information Disclosure Statement (IDS) is attached, along with the following indicated attachments thereto:
- a.  Form PTO/SB/08 ( sheet(s))
  - b.  Copies of references cited
14.  Certified copy of priority document(s) AND  English Translation Document (if applicable)
15.  Nonpublication Request Under 37 C.F.R. § 1.213(a)
16.  Request for Early Publication Under 37 C.F.R. § 1.219
17.  Return Receipt Postcard
18.  Other: \_\_\_\_\_  
\_\_\_\_\_
19.  An Assignment of the invention to \_\_\_\_\_  
having an address of \_\_\_\_\_
- a.  is attached.
  - b.  was recorded on \_\_\_\_\_ at Reel \_\_\_\_\_, Frame \_\_\_\_\_.
  - c.  Applicant requests that the above assignee information be published with the application.
20. The power of attorney in the prior application is to:

\_\_\_\_\_  
Name of Attorney of Record

\_\_\_\_\_  
Reg. No.

- \_\_\_\_\_  
The power appears in the original papers in the prior application.
- \_\_\_\_\_  
The power does not appear in the original papers, but was filed on \_\_\_\_\_.
- \_\_\_\_\_  
A new power has been executed and is attached.

21. Correspondence Address: Please address all future communications to:

**CUSTOMER NO.**

**22045**

Telephone: 248-358-4400; Fax: 248-358-3351

Respectfully submitted,

Brian D. Noble and Landon P. Cox



Name: David R. Syrowik  
Registration No.: 27,956

Date October 30, 2003

Attorney or agent of record  
 Filed under Rule 34(a)